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**THREATS AND BENEFITS OF UKRAINE'S ACCESSION TO
THE CUSTOMS UNION OF THE EURASIAN ECONOMIC
COMMUNITY**

**УГРОЗЫ И ПРЕИМУЩЕСТВА ВСТУПЛЕНИЯ УКРАИНЫ В
ТАМОЖЕННЫЙ СОЮЗ ЕВРАЗЭС**

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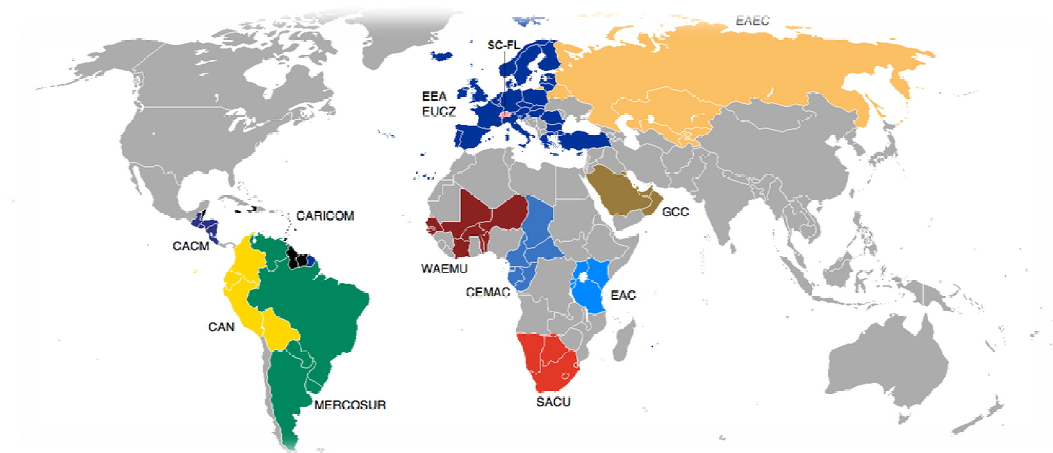
У статті розглянуті перспективи вступу України в митний союз Росії, Білорусії і Казахстану, а також порівняльний аналіз умов членства в ньому і в інших митних консолідаціях держав. Оцінена висота торгових бар'єрів країн світу по відношенню до країн СНД на прикладі Росії, а також успішність першого прикладу регіональної економічної інтеграції між країнами колишнього Радянського Союзу.

A customs union is a type of trade bloc which is composed of a free trade area with a common external tariff. The participant countries set up common external trade policy, but in some cases they use different import quotas. Common competition policy is also helpful to avoid competition deficiency. Purposes for establishing a customs union normally include increasing economic efficiency and establishing closer political and cultural ties between the member countries. It is the third stage of economic integration. Customs unions are established through trade pacts. The Customs Code of the Customs Union - codified legal act regulating relations on the movement of goods across the customs border of the Customs Union. Replaced the customs codes of the Customs Union. A trade bloc is a type of intergovernmental agreement, often part of a regional intergovernmental organization, where regional barriers to trade, (tariffs and non-tariff barriers) are reduced or eliminated among the participating states. A free-trade area is a trade bloc whose member countries have signed a free-trade agreement (FTA), which eliminates tariffs, import quotas, and preferences on most (if not all) goods and services traded between them. If people are also free to move between the countries, in addition to FTA, it would also be considered an open border. It can be considered the second stage of economic integration. Countries choose this kind of economic integration if their economical structures are complementary. If their economical structures are competitive, it is likely there will be no incentive for a FTA, or only selected areas of goods and services will be covered to fulfill the economic interests between the two signatories of FTA. World Trade Organization (WTO) - the successor to the force since 1947, the General Agreement on Tariffs and Trade (GATT) - started with the January 1, 1995 The main objective of this influential international economic organization is the liberalization of world trade. All countries - WTO members accept the obligation to perform key agreements and legal documents. Thus, from a legal point of view, the WTO system is a kind of multilateral contract (Service

Agreements), rules and regulations which governed about 97 percent of world trade in goods and services.

In this context, Ukraine has several options to upgrade their position in the world.

Figure 1 shows the existing customs unions.



1. Customs Union within the Eurasian Economic Community - a form of trade and economic integration of Belarus, Kazakhstan and Russia, which provides a single customs territory, within which the mutual trade in goods shall not apply customs duties and economic limitations, except for special protective, antidumping and countervailing measures. In this case, the member states of the Customs Union share a common customs tariff and other common measures regulating trade with third countries. In the official documents of the EurAsEC used the name "The Customs Union within the Eurasian Economic Community" or often just "customs union". The press has the informal name "The Customs Union of Russia, Belarus and Kazakhstan," "The Customs Union of Belarus, Kazakhstan and Russia," etc. International agreements also provide for accession to the Union of Kyrgyzstan. Single customs territory of the Customs Union are in Belarus, Kazakhstan and Russia, as well as being outside the country - members of the Customs Union of artificial islands, installations, structures, and other objects in respect of which the state - members of the Customs Union shall have exclusive jurisdiction. Russia from the Customs Union can make a profit of around \$ 400 billion, while Belarus and Kazakhstan - \$ 16 billion by 2015. Full potential of the Customs Union can shorten the transportation of goods from China to Europe is about 4 times. [4] According to scientists, RAS, in the words of Sergei Glazyev, the Customs Union of Belarus, Kazakhstan and Russia will promote economic development and can provide additional to 15% of GDP of the participating countries in 2015.

2. Various kinds of Western European economic community in particular:

The European Communities (sometimes also called the European Community or the European Union) - a set of three formally independent international organizations with common controls. These organizations were the European Economic Community (1993 - EC), the European Atomic Energy Community (EURATOM) and the European Coal and Steel Community (prior to the expiration of its Memorandum of Association in 2002.) The norms of the European Communities

were the basis of the Treaty on the basis of the European Economic Community. European Economic Community (EEC abbr.) - an international organization that existed from 1957 to 1993, created for economic integration (including the Common Market) Belgium, Germany, Holland, Italy, Luxembourg and France. Over time, community included the six countries, and since 1967 its agencies also regulate the European Coal and Steel Community (ECSC) and the European Atomic Energy Community (EURATOM), under the general name of the European Communities. After the creation of the European Union in 1993, EEC was renamed the European Community, the community became the main one of the three pillars of the European Union and the Community institutions are institutions of the Union.

Belarus, Kazakhstan and the Russian Federation in accordance with the Agreement of 6 October 2007, established the Commission of the Customs Union - a single permanent regulatory body of the Customs Union. Rules of Procedure of the Commission of the Customs Union as are the legal basis of the Customs Union Commission. The supreme body of the Union is the Interstate Council at the level of Heads of State and Heads of Government. In the Interstate Council at the level of Heads of State are: President of the Republic of Belarus Alexander Lukashenko, President of Kazakhstan Nursultan Nazarbayev, Russian President Dmitry Anatolyevich Medvedev. In the Interstate Council at the level of heads of government are: the Prime Minister of Belarus Sergei Sidorsky, Prime Minister of Kazakhstan Karim Massimov, Prime Minister of the Russian Federation Vladimir Vladimirovich Putin. The Customs Union Agreement of 6 October 2007 the Commission established a customs union - a single permanent regulatory body of the Customs Union.

The formation of the Customs Union provides for a single customs territory, within which no customs duties and economic limitations, except for special protective, antidumping and countervailing measures. In a customs union applies a unified customs tariff and other common measures regulating trade with third countries. In 2009, the supreme body of the Customs Union Commission of the Customs Union and the Government of the Parties to the complex of measures to complete the formation of the legal framework of the Customs Union, including the Common Customs Tariff and Customs Code, the Statute of the Court of Customs Union.

According to the economists of the European Bank for Reconstruction and Development (EBRD), the establishment of the Customs Union of Russia, Belarus and Kazakhstan is the first successful example of regional economic integration between the countries of the former Soviet Union. This is stated in the press service of the bank with reference to the "Report on the transition process" for the year 2012. "The agreement on the establishment of the Customs Union was reached between Belarus, Kazakhstan and Russia in November 2009. Despite the fact that many of the benefits to be gained from this alliance, has yet to materialize in practice, one thing is clear: the introduction of a common customs tariff and non-tariff barriers, reduction already affected both domestic trade relations between the three members of the union, and on their outer relations with other countries, "- said in a statement. Economists believe the Bank, previous attempts to achieve economic integration in the post-Soviet space, for example, by the conclusion of a free trade zone within the CIS, in practice, have not led to any real integration. However, the establishment of the Customs Union will actually start the mechanism of integration in trade,

especially by reducing non-tariff trade barriers. In the future, this alliance promises further benefits such as improving cross-border infrastructure and strengthening of institutional arrangements. After the creation of the union trade volume among the three countries has doubled. Its increase was mainly due to economic recovery after the crisis, and to reduce non-tariff barriers and to a certain extent - the introduction of the common customs tariff. The report notes that the introduction of a common customs tariff in Belarus and Kazakhstan had a negative impact on their turnover with China and - to a lesser extent - with the European Union (the volume of imports of goods for which it is installed, fell by an average of 2-3%). Kazakhstan increased its imports from Russia, as imports from China become more expensive for him. To date, the beneficial effect of the Customs Union to intensify trade with the introduction of the Common Customs Tariff, as seems only felt by Russia, the rates of import duties in many of which have been reduced as a result of the Customs Union."EBRD economists warn of the challenges that will arise in the future of the Eurasian Economic Union, including the creation of national structures that have more sophisticated control mechanisms than the national institutions" - is summarized in a press release.

Twenty countries are using trade restrictive measures against members of the Customs Union (CU), calculated in the Eurasian Economic Commission for Europe (ECE). The list was compiled on the basis of information received from the States vehicle, and includes 120 restrictive measures. Thus, with regard to Belarus are 19 such measures (12 of them - economic sanctions by the U.S., EU and Canada), in relation to Kazakhstan - 17, against Russian goods - 80 and only four measures directed against the goods of the CU as a whole. More than half of the applied measures (54%) - antidumping, they usually mean higher import duties. Most of the anti-dumping measures are used to foreign countries, especially the U.S. and the EU - if not to consider sanctions against Belarusian goods, then the anti-dumping quotas and accounts for almost 90% of the restrictive measures applied to goods vehicles. The main sectors affected by these restrictions - metallurgy and chemical industry. It is noteworthy that one-third of restrictive measures (40) are in the CIS countries, with 80% of them introduced only two countries: Ukraine (17) and Uzbekistan (15). In this case, the anti-dumping measures - a relatively small proportion of such limitations (27%, only steps from the Ukraine), mainly as the nearest neighbors of the Customs Union is applying to its products discriminatory excise tax or additional fees. For example, Moldova charge fees to import goods (including Russian), "in the use of which pollute the environment", in the appropriate list includes 180 items of goods, including petroleum products, fertilizers, cigarettes, electrical appliances and cars. As for Russian goods, the U.S. imposed against them, the largest number of restrictive measures - 16 (see chart). However, the effect of the four measures (including the Jackson-Vanik amendment) is currently suspended, and five measures are reviewed, so the U.S. leadership is rather formal. In fact the most active in protecting their market from the goods of Russia demonstrate basic trade partners - the EU (14 measures) and Ukraine (11 measures on products from the Russian Federation, and three against the TC as a whole). In the ECE "Kommersant" reported that the review of trade restrictions need for a common understanding of the situation. It is further planned to determine how best to deal with these constraints - at the national level

(including through the WTO), through the mechanisms of the CIS or the level of the commission itself.

Now, economists and politicians often say they need to review the conditions of membership, because the domestic industry is unable to cope with the competition. But for ordinary people join the WTO has more pluses than minuses - the prices of many goods and services in dollar terms declined. In addition, access to the market were small producers because of the abolition of mandatory certification. To join the World Trade Organization Ukraine tried for 14 years. WTO economists and politicians were high hopes. According to their estimates, the economy should receive additional injections in amounts ranging from 1.5 to 4 billion dollars a year. And May 16, 2008, we finally became a full member. But after four months came the economic crisis, which threw the national economy into a few years ago. According to most predictions, pre-crisis levels will not until 2013.

Figure 2 shows trade restrictive measures.

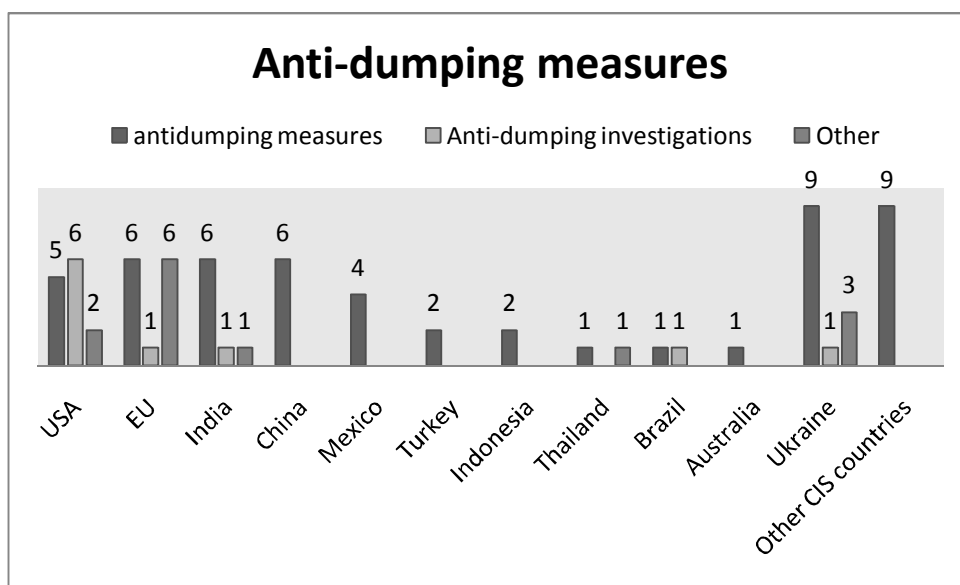


Fig 2 Trade restrictive measures

- Even a few years before Ukraine's accession to this organization in the country has revived the business and began a sharp increase in exports, - said economist Victor Lissitzky. - Peak of exports of goods and services fell to pre-crisis year 2008. Then there was a sharp decline due to the crisis. WTO is not saved. Overall, however, the disappearance of trade borders - is a plus, because they significantly restrict competition. Many Ukrainian companies were not prepared for the fact that the borders will take and the open. No one has bothered to update the funds to attract investment. Only heavy industry immediately gained an advantage in foreign markets. - During the first five years, the economy of Ukraine will not be a dramatic positive changes associated with entry into the World Trade Organization - the chairman of the Council of Entrepreneurs under the Cabinet of Ministers of Ukraine, Leonid Kozachenko. - Some industries, such as metallurgy, steel rolling

enterprises and heavy engineering industry, would suffer substantial support. Rest of the economy to some extent, felt the pressure in the domestic market and ended up in a difficult situation. The expert said that the agricultural industry could use the advantages of membership in the WTO, "need to be very actively invest in this industry." Perhaps the biggest victims of the WTO include Ukrainian car industry. After 2008, when the import duty reduced from 25 to 10 percent, many cars assembled we have lost the price attractive. In 2010, out of production only truly Ukrainian model - ZAZ "Slavuta" and ZAZ "Tavria". In fact, they lost to Chinese competition cars. Manufacturers disappointed, but most drivers are happy: for the same money you can buy a much more modern car. While that Ukrainian producers are not looking to create a low-cost production models and improve their quality and reliability. Instead, they are once again agitating for higher import duties. If this happens, the price of 90 percent of the models sold in Ukraine will increase by 18 percent. Once again we want to make the ride a Ukrainian cars, not because they are better, but because the imported cars are not available to most. Another innovation was the abolition of mandatory certification of food products. Originally certification subject to up to 80 percent of all manufactured goods in Ukraine and services. Now her children are only canned food, alcohol and tobacco. As of January 1 this year, the list of goods subject to certification, decreased from 434 to 157 positions. In 2013, he "uzhmetsya" for another 14 positions by medical equipment, part of which is also no longer qualify for certification. Is this good or bad? Experts estimate the innovation differently. - The manufacturer still has to include the name of the state standard or the technical conditions under which products are manufactured, - the general director of the Ukrainian Club of Agrarian Business Volodymyr Lapa. - So these normative documents should be followed anyway. That is, elements of certification remain. On the other hand, removed one of the red tape, and it was good. - We remove barriers to trade, but do it in spurts - objection president of the All-Ukrainian public organization "Living Planet" Svetlana Berzin. - Reducing the list of products subject to mandatory certification, we have worsened control system, but it has not introduced a system of market surveillance. Ukraine was not ready to join the WTO - it is referred to by many experts, including international ones. Our market has become more accessible, and thus domestic production or the quality or the price is often not interested in the European market. In Europe, a completely different requirements for safety and quality, much attention is paid to environmentally friendly products. Today, therefore, the domestic manufacturer is fighting for the domestic market, our products affordable for all available means. Be that as it may, the WTO really changed our lives. For better or worse as a whole - time will tell. Accession to the WTO to protect our exporters from dumping process - said President of the Ukrainian Analytical Center Oleksandr Okhrimenko. - Prior to the entry into the WTO is often imposed bans and restrictions on products such as metal and pipes, accusing producers of non-market prices. Now, as a WTO member, Ukraine can not be charged in reduced prices without good reason. In addition, the WTO essentially opened EU markets for Ukrainian metal. With this metal export increased significantly. And most importantly - domestic food took place in the global food market. But, unfortunately, our one-sided focus on Russia, is very much harmful to our exports. This leads to the fact that exporters are trying to build a business in a new way. They still hope that Russia will open markets and will be there to sell everything without restrictions and

prohibitions. But in reality, all they achieve the opposite. Friendship with Russia is holding back the Ukrainian exporters from the transition to the WTO rules, and this in turn prevents conquer new niches in world markets.

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Аннотация

Формирование таможенного союза предусматривает создание единой таможенной территории, в пределах которой не применяются таможенные пошлины и ограничения экономического характера, за исключением специальных защитных, антидемпинговых и компенсационных мер. В рамках таможенного союза применяется единый таможенный тариф и другие единые меры регулирования торговли товарами с третьими странами.

Со времени принятия предыдущего Таможенного кодекса прошло 10 лет и, наконец, 2012 год ознаменовался принятием нового Таможенного кодекса.

В 2009 году Высший орган таможенного союза, Комиссия таможенного союза и правительства Сторон проводят комплекс мероприятий по завершению формирования договорно-правовой базы таможенного союза, включая Единый таможенный тариф, Таможенный кодекс, Статут Суда таможенного союза.

Республика Беларусь, Республика Казахстан и Российская Федерация в соответствии с Договором от 6 октября 2007 года учредили Комиссию таможенного союза - единый постоянно действующий регулирующий орган таможенного союза. Правила процедуры Комиссии таможенного союза также являются правовой основой деятельности Комиссии таможенного союза.

Высшим органом такого союза являются Межгосударственные Советы на уровне глав государств и глав правительств.

В Межгосударственный Совет на уровне глав государств входят: Президент Республики Беларусь Александр Григорьевич Лукашенко, Президент Республики Казахстан Нурсултан Абишевич Назарбаев, Президент Российской Федерации Дмитрий Анатольевич Медведев.

В Межгосударственный Совет на уровне глав правительств входят: Премьер-министр Республики Беларусь Сергей Сергеевич Сидорский, Премьер-министр Республики Казахстан Карим Кажимканович Масимов, Председатель Правительства Российской Федерации Владимир Владимирович Путин.

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По мнению экономистов ЕБРР, прежние попытки добиться экономической интеграции на постсоветском пространстве, например путем заключения договора о зоне свободной торговли в рамках СНГ, на практике не привели к сколько-нибудь реальной интеграции. Вместе с тем создание Таможенного союза позволило на деле запустить механизм интеграционных процессов в области торговли, особенно благодаря снижению нетарифных торговых барьеров. В перспективе данный союз сулит в дальнейшем такие выгоды, как совершенствование трансграничной инфраструктуры и укрепление институциональных механизмов.

После создания союза объем торгового оборота среди этих трех стран удвоился. Его увеличение произошло главным образом благодаря экономическому восстановлению стран после кризиса, а также снижению нетарифных барьеров и в определенной мере - введению единого таможенного тарифа.

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Двадцать стран применяют ограничительные торговые меры в отношении членов Таможенного союза (ТС), подсчитали в Евразийской экономической комиссии (ЕЭК). Список был составлен на основе информации, полученной от государств ТС, и включает 120 ограничительных мер. Так, в отношении Белоруссии действуют 19 таких мер (из них 12 — экономические санкции со стороны США, ЕС и Канады), в отношении Казахстана — 17, в отношении российских товаров — 80 и лишь четыре меры направлены против товаров из стран ТС в целом. Более половины применяемых мер (54%) — антидемпинговые, как правило, они означают повышенную ставку импортной пошлины. В основном антидемпинговые меры используют страны дальнего зарубежья, прежде всего США и ЕС,— если не учитывать санкции в отношении белорусских товаров, то на антидемпинг и квоты приходится почти 90% ограничительных мер, применяемых к товарам ТС. Основные отрасли, страдающие от этих ограничений,— металлургия и химическая промышленность.